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14	Attorneys for Defendant CAPITOL EXPRESSWAY FORD					
15						
16	UNITED STATES DISTRICT COURT					
17	NORTHERN DISTRICT OF CALIFORNIA					
18	(SAN FRANCISCO DIVISION)					
19						
20	BOARD OF TRUSTEES OF THE					
21	AUTOMOTIVE INDUSTRIES WELFARE FUND, et al.,	Case No.: C 09-4945 JL				
22	DI : disc	STIPULATION FOR ORDER				
23		SETTING ASIDE DEFAULT AND SETTING TIME TO FILE FIRST				
24		AMENDED COMPLAINT AND ANSWER THERETO;				
25		PROPOSED] ORDEŔ				
26	Defendant.					
27						
	- 1 -	NG ASIDE DEFAULT AND SETTING TIME TO				
28		DED COMPLAINT AND ANSWER THERETO; [PROPOSED] ORDER				

 $P:\c\c LIENTS\AUTCL\C ASES\C APITOL\ EXPRESSWAY\ FORD\PLEADINGS\Stip\ and\ Order\ re\ Default\ and\ FAC\ v2\ (signed). doc$

CASE NO. C 09-04945 JL

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1	Whereas the default of defendant Capitol Expressway Ford was entered on November								
2	29, 2010, Ca	29, 2010, Capitol Expressway Ford subsequently retained Ned A. Fine and Michael K. Perkins							
3	of Fine, Bogg	of Fine, Boggs & Perkins LLP as its counsel and desires to have the default set aside, plaintiffs							
4	have determi	have determined that an amendment of their complaint is now necessary, and the parties wish							
5	to mitigate th	to mitigate the expenses to the parties and the use of court resources for these procedural							
6	matters,	matters,							
7	IT IS HEREBY STIPULATED by and between the parties hereto, through their								
8	respective counsel, that:								
9	(1) Defendant's default, entered on November 29, 2010, may be set aside;								
10									
11	(2)	(2) Defendant need not file an answer to the plaintiffs' original complaint;							
12	(3)	(3) Plaintiffs shall file their First Amended Complaint within 30 days of the date of							
13		the order; and							
14	(4)	(4) The answer to the First Amended Complaint will be due within 21 days of							
15		service of the First Amended Complaint on defendants' counsel.							
16	D . I	21 2011	CAI		NINGONI AN	I CORROR A	THOM		
17	Date: Januar	y 31, 2011	SAL	IZMAN & JC	OHNSON LAV	V CORPORA	TION		
18			D		(0.)				
19			By:	Anne M. Bev					
20				Attorneys for	Plaintiffs				
21	Date: Januar	y 31, 2011	FINE	E, BOGGS & F	PERKINS LLP				
22									
23			Den		/ C /				
24			By:	Michael K. Po					
25				Attorneys for	Detellaut				
26									
27				- 2 -					
28	STIPULATION FOR ORDER SETTING ASIDE DEFAULT AND SETTING TIME TO FILE FIRST AMENDED COMPLAINT AND ANSWER THERETO								

[PROPOSED] ORDER CASE NO. C 09-04945 JL

1							
2	[PROPOSED] ORDER						
3	The parties having stipulated, and good cause appearing, IT IS HEREBY ORDERED						
4	that:						
5	(1) Defendant's default, entered on November 29, 2010, be set aside;						
6	(2) Defendant need not file an answer to the plaintiffs' original complaint;						
7 8	(3) Plaintiffs shall file their First Amended Complaint within 30 days of the date of						
9	this order; and						
10	(4) The answer to the First Amended Complaint will be due within 21 days of						
11	service of the First Amended Complaint on defendants' counsel.						
12							
13	IT IS SO ORDERED.						
14	Dated: _February 2, 2011						
15	JAMES LARSON						
16 17	United States Magistrate Judge						
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28	- 3 - STIPULATION FOR ORDER SETTING ASIDE DEFAULT AND SETTING TIME TO						
	FILE FIRST AMENDED COMPLAINT AND ANSWER THERETO;						

[PROPOSED] ORDER CASE NO. C 09-04945 JL